

REMARKS

The above Amendments and these Remarks are in reply to the Office action mailed June 11, 2007 and the Advisor action mailed September 25, 2007. Currently, claims 1-32 are pending. Applicants have amended claims 1-3, 7, 11, 13-18, 22, 25-26, 29, and 31, and cancelled claims 6, 9-10, 21, 28 and 32. Applicants respectfully request reconsideration of claims 1-32.

I. Withdrawal of Response B

Response B submitted September 11, 2007 is expressly withdrawn.

II. Summary of the Examiner's Objections in the Office Action of June 11, 2007

The Abstract was objected to because of containing informalities.

Claims 9-11 were objected to under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Claims 1-3, 7-8, 13-18, 21, 25-26, 28 and 31 were objected to because of containing informalities.

Claims 25-32 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-5, 9-14, 17-20, 24-27, and 31-32 were rejected under 35 U.S.C. § 102(c) as being anticipated by U.S. Patent No. 6,999,344 ("*Hosono*" herein).

III. Summary of the Amendments in Response C

Claims 1-3, 7, 11, 13-15, 17-18, 22, 25-26, 29, and 31 are amended. Claims 6, 9-10, 16, 21, 28 and 32 are cancelled.

IV. Remarks

It was recognized by the Examiner in the Advisory Action dated September 25, 2007 that the amendments made in RESPONSE B overcame the rejections under 35 USC §102 over *Hosono*. The Examiner further indicated that the RESPONSE B created new issues under 35 USC §112, second paragraph.

In a Telephonic Interview dated October 12, 2007, the Examiner and Applicant's attorney discussed the issues. No agreement was reached.

Propriety of Supplemental Response After Final Action

Applicant's attorney expressed the desire to file this supplementary Response after Final action rather than a Request for Continued Examination. The Examiner requested a citation to a section of the MPEP or other authority authorizing such a second Response after Final Action.

MPEP Section 714.02 provides:

Any amendment that will place the application either in condition for allowance or in better form for appeal may be entered. Also, amendments filed after a final rejection, but before or on the date of filing an appeal, complying with objections or requirements as to form are to be permitted after final action in accordance with 37 CFR 1.116(b).
(Emphasis supplied)

The MPEP specifically states that any amendment placing the application in condition for allowance may be entered.

37 CFR 1.116(b) provides:

(b) After a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, but before or on the same date of filing an appeal (§ 41.31 or § 41.61 of this title):

(1) An amendment may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action;

(2) *An amendment presenting rejected claims in better form for consideration on appeal may be admitted;* or

(3) An amendment touching the merits of the application or patent under reexamination may be admitted upon a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

(Emphasis supplied)

It is respectfully submitted that the Amendment will present the claims in better form for consideration on appeal and will indeed make the claims allowable. Note that a “second” after final amendment is explicitly considered a possibility in MPEP Section 2272:

“Any second or subsequent amendment after final will be considered only to the extent that it removes issues for appeal or puts a claim in obvious patentable condition.”

Thus, it is respectfully requested that this Second after Final Amendment be considered.

Summary of Issues Addressed in Office Action Dated June 11, 2007

The ABSTRACT has been corrected per the objection of the Examiner in the Office action mailed 6/11/2007.

The Examiner's objections to claims 11 – 3, 7, 13 – 18, 21, 25 – 26, 28 and 31 have been addressed by amendment or rendered moot by cancellation of the respective claim. The Examiner's attention to detail in the rejection is greatly appreciated.

It is respectfully submitted that claims 25 – 32 now particularly point out and distinctly claim the subject matter of the invention. The controller has been defined as “coupled to” the memory array.

It is respectfully submitted all pending claims are now allowable over *Hosono*.

Claim 17 has been amended to include the limitations of claim 21. Claim 21 was dependent on claim 18, but the limitations of claim 18 have not been amended into claim 17. However, claim 21 includes a limitation similar to that of claim 6 and claim 21 was not subject to a substantive rejection over prior art. It is therefore submitted the claim 17 is allowable, and claims 18 – 20, 22 – 24 dependent therefrom are likewise allowable.

Claim 25 has been amended to include the limitations of claim 28. Claim 28 was not subject to a rejection based on *Hosono* and the rejection based on 35 U.S.C. Section 112 has been addressed. It is therefore submitted claim 25 and claims 26, 27, 29 – 31 dependent therefrom are now allowable.

Based on the above amendments and these remarks, reconsideration of all pending claims is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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